

HALOCHOSCOPE

A couple is away from home for the duration of *Chanukah*. For part of the time they are guests of the parents of one of them. However, they are sleeping in the home of a neighbor. For one night, they have to attend a *Sheva Brochos* in another town. They will then be sleeping with relatives overnight after the *Sheva Brochos* celebration. This will be quite late at night, and after they will have eaten. Where and when should they kindle their *Chanukah* lights, if at all?

The issues:

- A) The timing of kindling *Chanukah* lights
- B) Who has the obligation to kindle them?
- C) The location of the *Chanukah* lights
- D) Guests in another home

A) The timing of the *Mitzvah* of Ner *Chanukah*

The Rabbinical *mitzvah* of Ner *Chanukah* was instituted to publicize the miracles that took place during and right after the war between the *Chashmonaim* and the Greek Syrians. The primary miracle was the military victory of a small band of Torah-true scholars over a mighty army. There was a second, open, miracle when the Menorah in the *Bais Hamikdash* lasted for eight days on one day's worth of uncontaminated oil. To commemorate this, we kindle lights at a time that they will catch people's attention. Some Poskim link our *mitzvah* to the original miracle of the menorah in the *bais hamikdash*. Most Poskim maintain that they are not linked, but remind us of it. In the *bais hamikdash* the menorah was kindled by day, in the late afternoon. The timing of the actual miracle is itself a matter of debate [See *Halochoscope* III:47.] The time given by the Talmud for ner *chanukah* is from sunset to the time when the streets are empty of passersby.

The meaning of this is subject of much debate. Some Poskim consider the only time to kindle at or right before sunset. Others say they should only be kindled after nightfall, at the end of sunset. Some say that the Talmud means to give a range. In practice we try to satisfy as many opinions as possible, within reason. Nowadays, most Poskim agree that the latest time for publicizing the miracle is no longer based on when people are around in the streets. Partly due to antisemitism, We no longer place the lights in the streets, at the entrance to our homes, as was the original institution. Since the menorah is anyhow indoors, as long as members of the household are awake, the miracle is publicized before them. This is practically all night, since it is always dark enough. This is not a second best option, but fulfills the requirement ideally. If one can satisfy more of the aforementioned views it is considered 'extra credit'. If no-one is awake in the house, questions arise whether it is necessary to awaken someone, or whether a gentile viewer

from the street counts. If one arrives home right after dawn, but while it is still dark enough for the light to show, he should kindle without the *brochos*.

The times listed in the Talmud still affect us. Some explain the lapse between the early and late times as the period for which they have to burn. If they blow out they need not be rekindled (though this is recommended), but there must be enough oil for them to last this long. There is also a general requirement to perform *mitzvos* at their earliest opportunity. In fact, one may not engage in other time-consuming activities once the time for the *mitzvah* has arrived, including sitting down to a meal or a study session. The distraction or preoccupation will lead to forgetting the *mitzvah* or take so long that it will be too late to perform it. For many *mitzvos* a cushion of a half hour preceding the time for the *mitzvah* is added. For *ner chanukah*, since there are so many views, one may begin such activity up to sunset. Fixing a later time does not absolve one of this restriction. However, designating a person to remind one of his obligation does help.

In our case, the issue of *shalom bayis*, domestic harmony, arises. The Talmud gives precedence to this *mitzvah* over the *mitzvah* of *ner chanukah*. This will also play a role in deciding how to fulfill the *mitzvah* here. [See Brochos 2b 4b Shabbos 9b 21b 99b 109a, Poskim. Tur Sh. Ar. O.C. 235:2, etc., 671:5-7 672 677:3 678:3, commentaries. Mitzvas Ner Ish Ubaiso 6:1 8. Igros Moshe O.C. IV:105:7. Terumas Hadeshen 102. Yereim 102. Sheeris Yaakov 1, Mikraei Kodesh 2:1, Moadim Uzmanim II:52, etc.]]

B) Who is obligated in the Mitzvah?

Every Jew is obliged to fulfill *ner chanukah*. Usually women are exempt from time-bound *mitzvos*. However, women were involved in the events surrounding this miracle, and they are also obliged. In this case her obligation is exactly the same as a man's and she may discharge her husband's or sons' obligations. Children are obliged due to *chinuch*, training them in performance of *mitzvos* in general.

The basic *mitzvah* is for one person, generally assumed to be the householder, to kindle a light each night. The optimum performance according to *Ashkenazic* tradition is for each member of the household, including the children, kindle their own lights, adding one more each night of *Chanukah*. Only a wife does not kindle in addition to her husband's as a sign of the special bond between them. Even as *hiddur*, beautification of the *mitzvah*, she should not kindle her own.

Many *mitzvos* may be performed through a *shliach*, agency of another party. The act is then attributed to the one who appointed the agent. In the case of *ner chanukah* the ideal agent is a member of the household, such as one's wife. It is basically a *mitzvah* on the 'house'. However, anyone may be appointed, provided he or she kindles it at the house of the appointer. Ideally, one should be present when they are kindled even if he is not doing the act. If he is not present, there is some question whether the *shliach* should recite the *brochos*. [See Shabbos 21b 23a, Poskim. Tur Sh. Ar. O.C. 671:1-2 675:1-3, commentaries. Ner Ish Uvaiso 4:1-3, notes. Igros Moshe I:190. Mikraei Kodesh 13-14, notes. Tzitz Eliezer XII:50.]

C) The Location of the Neiros

The ideal *mitzvah* of *ner chanukah* applies to the home. Each additional member of the home can also kindle lights. However, the *mitzvah* remains in the home. To further publicize the miracle there is a *mitzvah* to kindle them in *shul*. There is no *mitzvah* to kin-

dle them anywhere else. Since it is primarily to publicize the miracle, the lights should be somewhere that people outside the house can see them. Thus, to show which house they are associated with and also be in a public place they are placed at the entrance from the public thoroughfare to the home. In Talmudic times this was the entrance to the courtyard. If more than one member of the household kindled, there had to be enough space between them to show that each was an individual person's lights. They were placed within a *tefach* of the left side of the entrance. If a courtyard had two entrances on different sides, both would require *ner chanukah*. However, since the second one was only to dispel suspicion that the homeowner was not kindling (because the passersby did not see the first lights), the *brocha* is not recited for the second lights.

Nowadays, partly due to antisemitism, the prevailing practice is to kindle them indoors. The miracle is publicized internally, for members of the household. According to some Poskim, this was an official institution due to specific circumstances, and still applies nowadays. They would say that nowadays one can not fulfill the obligation outdoors. Within the home, one could kindle them on the table. The most ideal place for them is in a doorway, on the side opposite the *mezuzah*. Thus, one entering the room or home passes between the two *mitzvos* connected to the home. The ideal height for the lights is between three and ten *tefachim*. [A *tefach* is subject to debate, ranging to about four inches.] They may not be placed higher up than twenty cubits. They would then be outside the range of vision, and the miracle would not be publicized. Many follow the practice of placing the lights in a window. This way they can also be seen by the public.

In choosing a room to kindle them, the most used area of the home is considered the center of the home. The idea is to publicize the miracle to all members of the house. Therefore, the area must be common to everybody. This would be the eating room. Either the table used by all, or a window in this area would be ideal. [See Shabbos 21b-22a 23a, Poskim. Tur Sh. Ar. O.C. 671:5-8, commentaries.]

D) Guests in another home during Chanukah

The Talmud discusses *achsainai*, lodgers or guests in another home. If the lodger has a wife kindling on his behalf back at his own home, he fulfills his obligation this way. The Poskim debate whether he is permitted to kindle his own lights [with a *brocha*] anyhow. If he is single there are two ways he fulfills this *mitzvah*. He could participate in the *mitzvah* of the homeowner or he could kindle his own lights. Family members have the same choice. However, guests can not automatically rely on the owner. They need to pay him a nominal amount to be counted as part of his family, and gain a share in his oil and wicks. If they also eat at his table, besides lodging in the home, some say that they are like family members. However, if the guest only eats in this home, but has separate lodgings, with his own 'entrance', the Poskim debate his obligation. Some say he must kindle lights next to his own entrance. Others maintain that nowadays that we do not kindle at the entrances but indoors, one's 'home' is determined by where he eats his meals. Therefore, he is treated like an in-house lodger. From here some Poskim infer that if one uses two different locations, one for eating and the other for sleeping, he should kindle at the place of eating. This would mean that a couple spending *chanukah* with their in-laws but sleeping in a different location may contribute to the father-in-law's lights or kindle in his eating area. Others maintain that the couple should kindle their own lights at their

place of sleeping. Even if they sleep in the house of the in-laws, this view maintains that they should kindle their own lights. Someone might occasionally eat at a friend's home but has a home where he both sleeps and eats. In this case, all would agree that he must kindle at home, even on a night when he eats as a guest in the other home. [See Shabbos 22a, Poskim. Tur Sh. Ar. O.C. 677:1, Taz etc., commentaries.]

Based on this debate, may we assume that in our case, the couple should definitely not kindle at the place of the *sheva brochos*? They are neither eating their main meals there nor sleeping there. The question is what they should do for this night. One need not have the same home for the entire *chanukah*. [If one leaves the first place after sunset, he should consider his old location his home for the moment. That is where he should kindle.] This night they will not be eating or sleeping in the same place as on previous nights. They can not consider the home that they were living in until then their home for this night. The issue is, however, can they consider the place where they plan to sleep their home? Do we say that since they do not have a separate place that they can consider their eating place? Therefore, their sleeping place takes precedence just as it did in Talmudic times. Or perhaps since they do not have a regular eating place, the place that they eat for this night becomes their main eating place? Is there any advantage to the place they sleep, due to the fact that they 'fix' this place as their main sleeping place for tonight, as opposed to the place they are simply invited to participate in a *sheva brochos*? May they choose where to kindle?

It would appear that the place where they plan to sleep becomes their main base. This is because they must leave their belongings there. The reason that the place one eats becomes his main base is due to his bread being his focus. It is considered the main 'belonging', making the location of his bread his 'home'. In our case, it is not their own bread. True, by being invited as guests they become part 'owners' of the food at the *seudah*. However, in looking for a place they can call their home base, it would appear that the place where they sleep and keep their main belongings becomes their base. Therefore, they may kindle at the place they plan to sleep, even if they do not stay on to eat there before going to the *sheva brochos*.

On the Parsha ... When Yosaif instructs his manager to chase after the brothers he says "*When you catch up with them say: "Why did you repay good with evil ... you have done evil in how you acted?"*" Why does he repeat himself? [See Or Hachaim] Perhaps the following explanation of his planned frame-up would explain this as well. When Yosaif saw his brothers had arrived he instructed the manager to take them to his home "*for they will be eating with me in the afternoon!*" Why the 'afternoon'? Various reasons are suggested. Perhaps Yosaif wanted to become their hosts in the full sense of the word. Then he could accuse them of being *doubly* ungrateful. Had he eaten with them earlier in the day, they would have left immediately. They would simply have been guests invited for a meal. Since they only ate in the afternoon, they were delayed and had to remain overnight. "*When it got light in the morning, the men were sent off.*" From here we learn that one should not travel late at night. [See Psachim 2a]



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